

## ATTACHMENT 7

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

Hal S. McClamma

Petitioner,

v.

Scott Middle brooks

Respondent.

Civil Action No. 2:05-cv-482-T

Declaration of Terry A. Collins

I, the undersigned, Terry A. Collins, do hereby make the following unsworn declaration pertinent to the above-styled and numbered cause.

1. I am employed by the Federal Bureau of Prisons (BOP) as a Senior Counsel Southeast Regional Office in Atlanta, Georgia.
2. In relation to the above-captioned case, my duties as Senior Counsel include general case management and preparation, and assistance to the United States Attorney's Office.
3. I certify that all enclosed documents as provided to the Assistant United States Attorney are true and accurate copies of the original documents held during the regular course of business by the Bureau of Prisons.
4. I declare under penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.

Executed this 13th day of July, 2005.



Terry A. Collins, Senior Counsel  
Southeast Regional Office

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

Hal S. McClamma

Petitioner,

v.

Scott Middle brooks

Respondent.

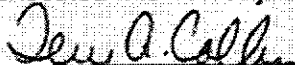
Civil Action No. 2:05-cv-482-T

Declaration of Terry A. Collins

I, the undersigned Terry A. Collins, do hereby make the following unsworn declaration, under penalty of perjury, pertinent to the above-styled and numbered cause.

1. I am employed as Senior Counsel, Federal Bureau of Prisons, Southeast Region in Atlanta, Georgia. I have been employed by the Bureau of Prisons for 12 years.
2. As Senior Counsel, I have access to the computerized records of the Administrative Remedy Complaints which is described at 28 C.F.R. §. 542.10, Administrative Remedy Procedures for Inmates.
3. 28 C.F.R. §542 et. seq., contains the guidelines an inmate must follow to exhaust his administrative remedies within the Bureau of Prisons. This three-tiered process is a method whereby an inmate may seek redress for the deprivation of any right to which he is entitled or to which he feels entitled. A decision by the Bureau of Prisons is not final, until relief has been denied at the national level.
4. I have reviewed the Administrative Remedy Log for inmate Hal McClamma, federal register number 11386-017. The computerized log reflects inmate McClamma filed Request For Administrative Remedy no. 37588-F1 on May 6, 2005, at the Federal Prison Camp in Montgomery, Alabama. He challenged the denial of a furlough request based on the Florida state detainer. The administrative remedy was denied by the Warden on May 13, 2005. See Attachment A (the attachments to the request for administrative remedy are not attached). Inmate McClamma did not appeal the denial of the institution remedy. Nor has he filed any other administrative remedies. Id.
5. I declare under the penalty of perjury and pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 13<sup>th</sup> day of July 2005.

  
Terry A. Collins, Senior Counsel  
Federal Bureau of Prisons

## Attachment A

SERBG \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 07-14-2005  
 PAGE 001 OF 12:29:25  
 FUNCTION: L-P SCOPE: REG EQ 11386-017 OUTPUT FORMAT: UNSAN  
 -----LIMITED TO SUBMISSIONS WHICH MATCH ALL LIMITATIONS KEYED BELOW-----  
 DT RCV: FROM \_\_\_\_\_ THRU \_\_\_\_\_ DT STS: FROM \_\_\_\_\_ THRU \_\_\_\_\_  
 DT STS: FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS BEFORE "OR" FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS AFTER DT RDU  
 DT TDU: FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS BEFORE "OR" FROM \_\_\_\_\_ TO \_\_\_\_\_ DAYS AFTER DT TRT  
 STS/REAS: \_\_\_\_\_  
 SUBJECTS: \_\_\_\_\_  
 EXTENDED: \_\_\_\_\_ REMEDY LEVEL: \_\_\_\_\_ RECEIPT: \_\_\_\_\_ "OR" EXTENSION: \_\_\_\_\_  
 RCV OFC : EQ \_\_\_\_\_  
 TRACK: DEPT: \_\_\_\_\_  
 PERSON: \_\_\_\_\_  
 TYPE: \_\_\_\_\_  
 EVNT FACL: EQ \_\_\_\_\_  
 RCV FACL : EQ \_\_\_\_\_  
 RCV UN/LC: EQ \_\_\_\_\_  
 RCV QTR : EQ \_\_\_\_\_  
 ORIG FACL: EQ \_\_\_\_\_  
 ORIG UN/LC: EQ \_\_\_\_\_  
 ORIG QTR : EQ \_\_\_\_\_

G0002 MORE PAGES TO FOLLOW . . .



SERBQ \*ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL \* 07-14-2005  
PAGE 002 OF 002 \* UNSANITIZED FORMAT \* 12:29:25

REMEDY-ID	REG	NAME	STATUS	DATE-RCV	ORIG UNIT OR LOC/QTRS/FACL	RCV-OFD	RCV-FACL	EVNT-FACL
	STATUS-DATE							
	SUBJ1/SUBJ2							
375369-F1	11386-017	MCCLAMMA, H			MOBILE	001-021L	MON	
	05-13-2005	CLD		05-05-2005	MON	MON	MON	
	193M/	FURLCUGHS - OTHER						

G0000

1 REMEDY SUBMISSION(S) SELECTED  
TRANSACTION SUCCESSFULLY COMPLETED

ATTACHMENT

FPC MONTGOMERY, AL  
INFORMAL RESOLUTION FORMDATE: 4-28-05STAFF SIGNATURE: RPINMATE NAME: McCLAMMA, HALREG. NO. 11386-017

Inf. Rs. # \_\_\_\_\_

**NOTICE TO INMATE:** You are advised that prior to filing a Request for Administrative Remedy (BP-9), you MUST attempt to informally resolve your complaint through your unit counselor. Please follow the three (3) steps below:

1. STATE YOUR SPECIFIC COMPLAINT: UNIT TEAM DENIAL OF MY REQUEST FOR FURLOUGH, HALFWAY HOUSE OR HOME CONFINEMENT AT OR NEAR MY 10X/6 MO. DATE BASED ON A VOID OR INVALID STATE DETAINER. THE PURPORTED DETAINER IS INVALID ON ITS FACE AND CONTRARY TO THE INTERSTATE AGREEMENT ON DETAINERS ACT. MCCLAMMA HAS HAD COMMUNITY CUSTODY SINCE MAY, 2002, NO DISCIPLINARY ACTIONS, OUTSTANDING WORK RECORD AND IS NO FLIGHT RISK.

2. STATE WHAT EFFORTS YOU HAVE MADE TO INFORMALLY RESOLVE YOUR COMPLAINT: TALKED TO MY CASE MANAGER AFTER RECEIVING THE ADVERSE PROGRAM REVIEW REPORT.

3. STATE WHAT RESOLUTION YOU EXPECT: I EXPECT TO BE GRANTED FURLOUGH PRIVILEGES AND IMMEDIATE REDESIGNATION TO COMPLETE MY TERM OF IMPRISONMENT AT HALFWAY HOUSE NEAREST MY HOME OR TO HOME CONFINEMENT. I EXPECT THE SO CALLED DETAINER TO BE TREATED, IF AT ALL, AS ONLY NOTICE TO BE GIVEN THE STATE OF FLORIDA AS I NEAR THE END OF MY HALFWAY HOUSE OR HOME CONFINEMENT TERM OF IMPRISONMENT. TIME IS OF THE ESSENCE AS MY GOOD TIME OUK DATE IS OCTOBER 21, 2005, LESS THAN 7 WK FROM TODAY'S DATE.

INMATE SIGNATURE: HalDATE: 4-28-05CORRECTIONAL COUNSELOR'S COMMENTS/STEPS TAKEN TO RESOLVE: SEE ATTACHMENTCOUNSELOR'S SIGNATURE: RPUNIT MGR'S REVIEW: [Signature]DATE: 5-2-05DATE: 5/2/05

## STAFF ACTION:

NOT ACTED ON-STATE REASONS IN COMMENTS  
INFORMALLY RESOLVED

NO INFORMAL RESOLUTION-(BP-9) ISSUED

IF DHO or UDC, DATE FORM RETURNED TO INMATE: \_\_\_\_\_

RECEIVED  
WARDEN'S OFFICE  
05 MAY - 6 PM 2:16  
FPC MAXWELL, AFB, AL 361

Inmate Form Returned to Counselor	BP-9 Given to Inmate	BP-9 Returned from Inmate	BP- Delivered to A/W
Date: <u>4-28-05</u>	<u>5-2-05</u>	<u>5-3-05</u>	<u>5-3-05</u>
Time: <u>11<sup>02</sup></u>	<u>3:30 PM</u>	<u>11<sup>15</sup> PM</u>	<u>12<sup>15</sup> PM</u>
Counselor: <u>RP</u>	<u>RP</u>	<u>RP</u>	<u>RP</u>

U.S. DEPARTMENT OF JUSTICE  
Federal Bureau of Prisons

# REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: MCCLAMMA, HAI. S. 11386-017 MOBILE A FPC MONT  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

## Part A- INMATE REQUEST

QUESTION OR CONCERN: The denial of furlough, halfway house or home confinement because of a state detainer. This denial to McClamma, who is "otherwise qualified" is contrary to law.

SOLUTION REQUESTED: Grant McClamma a furlough and home confinement or halfway house redesignation.

GROUND: The only statutory authority, The Interstate Agreement on Detainers applies only to pending, untried charges. McClamma's charges are neither pending or untried. Except for the invalid detainer, he is "otherwise qualified" for the relief he seeks. He has had Community Custody since May, 2002, an outstanding work record, no disciplinary actions and the only reason stated on his latest Program Review Report for the denial of his requests is the "state detainer."

As the attached Memorandum of Fact and Law and its exhibits will show, the detainer is void, is invalid on its face and does not apply to McClamma. The BOP (Warden) has the statutory authority to redesignate McClamma as requested at this very moment in time.

MEMORANDUM OF FACT AND LAW WITH EXHIBITS ATTACHED

May 3, 2005  
DATE

[Signature]  
SIGNATURE OF REQUESTER

## Part B- RESPONSE

RECEIVED  
WARDEN'S OFFICE  
05 MAY - 6 PM 2:16  
FPC MAXWELL AFD AL 3012

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 30 calendar days of the date of this response.

FIRST COPY: WARDEN'S ADMINISTRATIVE REMEDY FILE

CASE NUMBER: 375389-F1

CASE NUMBER: 375389-F1

## Part C- RECEIPT

Return to: HAI. MCCLAMMA 11386-017 MOBILE A FPC MONT  
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION  
SUBJECT: REQUEST FOR ADMINISTRATIVE REMEDY

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

SP-770-13



Program Statement 5250.08, Furloughs, February 4, 1998, Section 10, LIMITATIONS OF ELIGIBILITY 570.35, Paragraph 5, states that the Warden may not ordinarily grant a furlough to an inmate with a detainer.

A review of your case reveals that the State of Florida has lodged a detainer against. Reportedly, documents received from the Florida Department of Corrections indicate that you have a three-year state sentence and with a 12-month term of probation to follow that is to be satisfied following your release from federal custody. Therefore, since you do not meet the prescribed criteria for furloughs, your request cannot be granted at this time.

RECEIVED  
WARDEN'S OFFICE  
05 MAY - 6 PM 2:17  
FPC MAXWELL AFB AL 36112

U.S. Department of Justice  
Federal Bureau of Prisons

RESPONSE TO REQUEST FOR ADMINISTRATIVE REMEDY

From: <u>McClamma, Hal</u>	<u>11386-017</u>	<u>Mobile A</u>	<u>FPC Montgomery</u>
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION

Part B- RESPONSE

Remedy ID - 375383-F1

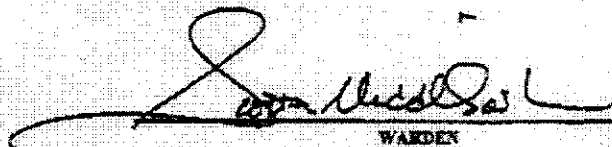
This is in response to your Request for Administrative Remedy received May 6, 2005, in which you are seeking reconsideration for a furlough, Community Corrections Center (CCC) placement, and home confinement eligibility.

A review of your case indicates the Florida Department of Corrections has lodged a detainer against you. Documents received from Florida reveal you have a three-year state sentence with a 12-month term of probation to follow the service of your federal sentence. Program Statement 5280.08, Furloughs, provides that the Warden may not ordinarily grant a furlough to an inmate with a detainer. Program Statement 7310.04, CCC Utilization and Transfer Procedures, provides that inmates with unresolved pending charges or detainers which will likely lead to arrest, conviction, or confinement shall not ordinarily participate in CCC or home confinement programs.

Based upon the above information, you are not an appropriate candidate for furlough participation, or for CCC or home confinement placement. Accordingly, your request for relief is denied.

In accordance with Program Statement 1330.13, Administrative Remedy Program, "An inmate who is not satisfied with the Warden's response may submit an Appeal on the appropriate form (BP10) to the appropriate Regional Director within 20 calendar days of the date the Warden signed the response."

5/13/05  
DATE

  
WARDEN